

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joy for Our Youth, Inc.

Mark: 1-877-KARS-4-KIDS

Serial No.: 85/250329

Filing Date: February 24, 2011

International Classes: 36

Examining Attorney: Matthew J. McDowell

Law Office: 102

RESPONSE TO OFFICE ACTION DATED MAY 28, 2011

Applicant submits this response to the Office Action dated May 28, 2011, in which the Examiner refused registration of Applicant's standard character mark on the grounds that the mark is confusingly similar with the mark CARS FOR KIDS' SAKE as set forth in U.S. Registration No. 2171415. In response, Applicant respectfully submits the following:

I. APPLICANT'S STANDARD CHARACTER MARK IS NOT CONFUSINGLY SIMILAR

In response to the Examiner's refusal of registration on the ground that the Applicant's mark is confusingly similar to the mark CARS FOR KIDS' SAKE, Applicant respectfully submits that its standard character mark is, when viewed in its entirety, not confusingly similar to the cited mark in light of the manifest differences in sound, appearance, connotation and commercial impression.

In determining whether an applied-for mark so resembles a prior registered mark such that it is likely that a potential consumer would be confused, mistaken or deceived as to the source of the goods or services of the applicant vis-à-vis the prior registrant, the Examiner is to consider an Applicant's proposed mark in view of the thirteen factors set forth *In re E.I. du Pont*

de Nemours & Co., 476 F. 2d 1357, 177 USPQ 563 (C.C.P.A. 1973); *see* TMEP § 1207.01 *et seq.* The test for likelihood of confusion is whether a “reasonably prudent consumer” in the marketplace is likely to be confused as to the origin of the goods or services bearing one of the marks. *See du Pont* 177 USPQ 563.

The *du Pont* factors are, in turn, to be considered in light of the Anti-Dissection Rule. The Supreme Court, in *Estate of P.D. Beckwith, Inc. v. Commissioner of Patents*, 252 U.S. 538, 545-546 (1920), held that when considering a likelihood of confusion, composite marks are to be compared by looking at them as a whole, and not by parsing the marks into their component features. The rationale for this rule is that the commercial impression created by a composite trademark on an ordinary prospective consumer is created by the mark as a whole, not by its individual elements.

A. Application of the Relevant du Pont Factors to the Pending Application

Applying the *du Pont* factors to the instance case, Applicant demonstrates below, *seriatem*, why the Examiner’s arguments as to the refusal to register Serial No. 85/043446 should be reconsidered, especially in light of the Anti-Dissection Rule.

a. Similarity as to Appearance, Sound, Connotation, and Commercial Impression

1. Appearance

The mere fact that two marks incorporate a common word or words even in association with competing goods or services does not *per se* render the marks likely to be confused. *See, e.g., Freedom Sav. & Loan Ass’n*, 757 F.2d 1176, 1183 (11th Cir. 1985) (FREEDOM SAVINGS AND LOAN and FREEDOM REALTY marks “lack ... confusing similarity”); *Sun Banks of Florida, Inc. v. Sun Federal Sav. and Loan Ass’n*, 651 F.2d 311, 316 (5th Cir. 1981) (SUN FEDERAL AND SAVINGS LOAN ASSOCIATION not confusingly similar to SUN BANKS);

Amstar Corp. v. Domino's Pizza Inc., 615 F.2d 252, 259, 205 USPQ 969 (5th Cir. 1980) (DOMINO'S PIZZA not similar to DOMINO SUGAR); *Bell Laboratories, Inc. v. Colonial Prods., Inc.*, 644 F. Supp. 542, 547 231 USPQ 569 (S.D. Fla. 1986) (FINAL FLIP and FLIP marks for same product are "ultimately different and different sounding"); *In re Hearst Corp.*, 982 F.2d 493, 494 (Fed. Cir. 1992) (VARGA GIRL and VARGAS are "sufficiently different in sound, appearance, connotation, and commercial impression, to negate likelihood of confusion"); *Mr. Hero Sandwich Sys., Inc. v. Roman Meal Co.*, 781 F.2d 884, 888 (Fed. Cir. 1986) (ROMANBURGER and ROMAN marks for food products "are not similar in appearance"); *Little Caesar Enterprises, Inc. v. Pizza Caesar, Inc.*, 834 F.2d 568, 571 (6th Cir. 1987) (PIZZA CAESAR U.S.A. not similar to LITTLE CAESAR'S); *Conde Nast Pubs., Inc. v. Miss. Quality, Inc.*, 507 F.2d 1404, 1407 (CCPA 1975) (COUNTRY VOGUES and VOGUE marks for publications "do not look or sound alike").

Here the Examiner states that the dominant features of the respective marks –

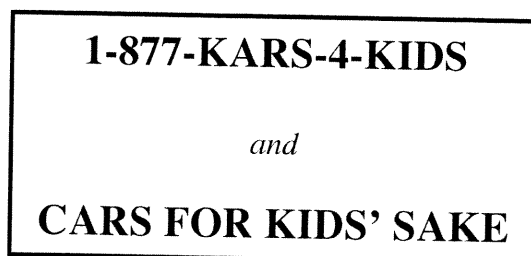


Figure 1

– are essentially identical. But this conclusion, based in part on the mistaken assertion that “1-877” is not a dominant part of Applicant’s mark, appears to be based mainly on the existence of common words in the two marks. This conclusion cannot be sustained under the Anti-Dissection Rule, which mandates that composite marks are to be compared by looking at them as a whole “not from its elements separated and considered in detail.” *P.D. Beckwith, Inc.*, 252 U.S. at 546.

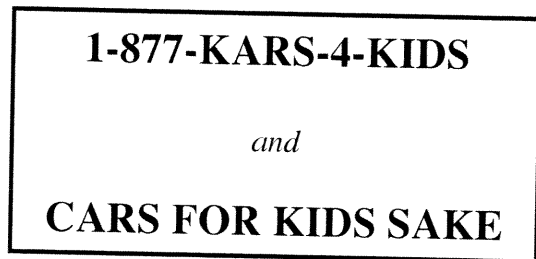
Additionally, the Examiner has omitted proper consideration, when comparing the marks, of the principle that visual impressions are not to be divorced from meaning. *See 3 McCarthy on*

Trademarks § 23:26 at 23–92-93 (2005 ed.). As demonstrated below, integration of these legal guidelines readily results in a conclusion that the marks have more differences than similarities between them.

First, the Examiner has erred in deeming the “1-877” portion of the Applicant’s mark as necessarily subsidiary. “A descriptive word can never constitute the dominant part of a mark.” *Pizzeria Uno Corp. v. Temple*, 747 F.2d 1522, 1530 (4th Cir. 1984). When considering the similarity of two marks containing primarily disclaimed or descriptive components, such as, in this case, “cars” and “kids,” the salience of the first word in the Applicant’s mark – given its position in the mark and its connection to the overall meaning of the mark – cannot be dismissed. “It is not without significance that the first words of the marks differ.” *Old Charter Distillery Co. v. Cont’l Distilling Corp.*, 174 F. Supp. 312, 321 (D. Del. 1959). See *Boston Duck Tours, LP v. Super Duck Tours, LLC*, 531 F.3d 1, 35 (1st Cir. 2008) (finding no confusion between BOSTON DUCK TOURS and SUPER DUCK TOURS; “Boston” and “Super” were descriptive, while the marks’ first words were “their most salient features”). Compare, *Palm Bay Imports, Inc. v. Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F.3d 1369, 1372 (Fed. Cir. 2005) (“The presence of [a] strong distinctive term as the first word in both parties’ marks renders the marks similar”).

Even more importantly, “The use of identical, even dominant, words in common does not automatically mean that two marks are similar. We may consider the marks’ visual, aural, and definitional attributes and compare the trade dress of the products in determining whether the total effect conveyed by the two marks is confusingly similar.” *Sensient Technologies Corp. v. Sensory Effects Flavor Co.*, 613 F.3d 754, 764 (8th Cir. 2010), *cert. denied*, 131 S. Ct. 1603, 179 L. Ed. 2d 500 (U.S. 2011) (internal quotations and citations omitted).

Here, by comparing merely the components of the two marks described as “dominant” by the Examiner – the descriptive or generic words “cars for kids” – in the two marks, as



demonstrated in Figure 1, Applicant’s use of the number “4” is visually, and compellingly, distinct from the prior registrant’s use of the word “for” in its mark. Moreover, the spelling of the word “Cars”

with the letter “K” and the distinct numerical sequence 1-8-7-7 also provide significant points of departure from the prior registrant’s mark. Applicant’s alternative spelling of “kars” is not only an obvious visual distinction from the prior registrant’s use of standard spelling, but additionally the letter “K” in “Kars” creates consonantal alliteration in the mark – **Kars for Kids** – such that consumers immediately perceive Applicant’s mark as a source identifier. In addition, the unique numerical components in Applicant’s mark – “1-8-7-7” – add to a commercial impression that is distinct from registrant’s mark, which makes no use of integers. The use of these signals is uncommon and unique in the charitable fundraising industry.

Moreover, the Examiner errs in disregarding the obvious visual contrast between Applicant’s mark, which is a phone number spelling out three words in a distinct fashion, and prior registrant’s four-letter phrase which, unlike Applicant’s mark, includes the word “sake.” Combined with the replacement by Applicant of the word “for” with the numeral “4,” two of the four words found in CARS FOR KIDS SAKE are not present in Applicant’s 1-877-KARS-4-KIDS. No consumer viewing both marks would fail to notice the visual contrast between the two marks. Nor would any consumer looking at the marks fail to notice the obvious distinction – meaning and impact, again, being the necessary adjunct of visual inspection – between what looks like a phone number incorporating words – and unusually spelled words – and what is

merely a phrase using some of the same words, spelled in standard fashion. *See Donsky v. Bandwagon, Inc.*, 193 U.S.P.Q. 336 (D. Mass. 1976) (no likelihood of confusion between 100 YEAR NITE-LITE and CENTURY NIGHT LIGHT despite relatedness of goods, relying in part on unconventional spelling of “nite,” a generic component of both marks); *Vail Associates, Inc. v. Vend-Tel-Co., Ltd.*, 516 F.3d 853, 870 (10th Cir. 2008) (no likelihood of confusion between mark consisting of phone number and shorter mark that is not a phone number).

In sum, the visual distinctions between the marks not only present obvious visual contrasts, but also creates appreciable differences in the commercial connotation and impression, as discussed in terms of the prior registration’s weakness as a trademark, as further discussed below.

2. Sound

Again, the Examiner in the Office Action states that the dominant sonic features of each mark are essentially identical – “phonetically at least.” But in fact, what is unmistakable in comparing the marks as a whole are the phonetic **differences** between the marks. One obvious distinction is the prior registrant’s use of the word “SAKE” in its mark, which requires pronunciation of a word – and invocation of a semantic concept – completely absent from Applicant’s mark. Indeed, registrant’s use of “FOR KIDS’ SAKE” in its mark is reminiscent of the idiomatic phrase “for Pete’s sake” such that the two words in registrant’s mark “KIDS” and “SAKE” would be read together thereby further alleviating any likelihood of confusion.

Even more significant, Applicant’s mark, unlike the prior registration, requires the additional pronunciation of the numbers “1-8-7-7” – four characters that result in the enunciation of four new, and different, syllables. In fact, there are nearly twice as many syllables in Applicant’s mark (seven) as in the prior registration (four) – a factor which in and of itself

militates against similarity as to sound. As the Sixth Circuit explained in *Jet, Inc. v. Sewage Aeration Sys.*, 165 F.3d 419 (6th Cir. 1999):

JET and AEROB–A–JET are visually and verbally distinct. AEROB–A–JET has four syllables to JET’s one, and the first syllables of AEROB–A–JET are more prominent when the mark is pronounced. Both AEROB and JET are somewhat descriptive of how the parties’ devices operate, but neither is generic or merely descriptive of the process. Considering the impression made by the marks as a whole, JET and AEROB–A–JET are not confusingly similar.

Id. at 423-44. *See also, G. D. Searle & Co. v. Chas. Pfizer & Co.*, 265 F.2d 385 (marks likely to be confused where they had identical number of syllables).

No better demonstration that the marks at issue just do not sound alike is that, when said out loud, each one **starts** differently (“one-eight-seven-seven” versus “cars”) and **ends** differently (“kids” versus “sake”) from the other– compelling proof of difference, not sameness. This difference is material to the meaning conveyed by the respective marks, because any English speaker hearing the two marks will recognize that one is a phone number and one is a phrase. This in and of itself constitutes a significant, and dispositive, difference how the two marks are perceived by listeners hearing them spoken. *See Vail Associates, Inc.* 516 F.3d at 870 (no aural likelihood of confusion between mark consisting of phone number and shorter mark that is not a phone number).

Additionally, where two marks are phonetically similar, which at best applies only to the generic or descriptive components of the respective marks here, there is no likelihood of confusion if other factors differentiate the marks. Thus in *National Distillers & Chemical Corporation v. William Grant and Sons, Inc.*, 505 F.2d 719, 184 USPQ 34 (CCPA 1975), the Court of Customs and Patent Appeals found that the marks DUVET and DUET were not likely to be confused, despite their phonetic similarity, in the context of differentiating factors such as the fact that DUET was a familiar word and DUVET was not. Similarly, in *Donsky, supra*,

despite numerous factors militating in favor of a finding of likelihood of confusion, CENTURY NIGHT LIGHT and 100-YEAR NITE-LITE were found to be sufficiently distinguishable from each other due to a wealth of other factors:

It is apparent that there are several factors which point toward the impression of confusing similarity of the lights. There is strong resemblance between them. Both are sold through mail order catalogs. The primary advertising media for Solid's light is such catalogs, and Bandwagon utilizes the same or similar media advertising. The evidence demonstrated some confusion among purchasers in the return of Bandwagon's lights to Solid. However, where, as here, the respective marks have a common element which is generic, that is, the term "night light" or "nite-lite", the court must look to the non-generic aspects of the marks.

The ultimate determination of the issue of confusing similarity depends upon the total impression created by the marks. See McCarthy, *supra*, § 23:15G. When the non-generic aspects, namely, 100-YEAR and CENTURY, are compared according to the sight, sound and meaning considerations of the Restatement, it is apparent that the marks are dissimilar in appearance. Solid's mark has numbers and words; **Bandwagon's mark has no numbers. The sounds of the non-generic aspects are dissimilar. The generic term "night light" is unconventionally spelled in Solid's mark. The sound of the non-generic aspect is dissimilar.** However, the meaning of the non-generic components is the same, and in some circumstances similarity of meaning may overcome dissimilarity in appearance or sound. *See, e.g., Hancock v. American Steel & Wire Co.*, 203 F.2d 737, 740 (C.C.P.A.1953). *But see Sterling Drug Inc. v. Lincoln Laboratories, Inc.*, 322 F.2d 968, 971 (7th Cir.1963). But, **given the dissimilar factors of appearance and sound**, the similarity in meaning does not establish the likelihood that consumers will become confused and associate CENTURY NIGHT LIGHT as identifying products from the same source as that of 100-YEAR NITE-LITE. The court therefore concludes that Bandwagon has not infringed plaintiffs' mark.

Donsky v. Bandwagon, Inc., *id* (emphasis added). *See also In re National Data Corp.*, 753 F.2d 1056, 1058, 224 USPQ 749, 750-51 (Fed. Cir. 1985) ("The basic principle in determining confusion between marks is that marks must be compared in their entirety and must be considered in connection with the particular goods or services for which they are used") (citations omitted).

As demonstrated above, the two marks being compared here are sufficiently different phonetically that the Examiner should conclude that they are not likely to be confused on this

ground alone. Additionally, the presence here of significant additional factors militating against a likelihood of confusion – the visual differences between Applicant’s mark and the prior registration, addressed above, and, as discussed below, the connotation and commercial impressions of the respective marks — all support a finding that even if deemed phonetically similar, there is no likelihood of confusion between Applicant’s mark and the prior registration.

3. Connotation/Commercial Impression – Strong versus Weak Marks

Examination into the meaning or connotation of the marks at issue, which as demonstrated above is necessarily an element of both the visual and oral comparison process, also includes the consideration of whether the senior mark is “strong” or “weak” in order to determine the scope of protection to be accorded. Strong marks are more broadly protected than weak marks. *See Amstar Corp.* 615 F.2d at 259. If the registered mark is not a coined word, or is not purely fanciful, it is not accorded the same degree of protection given to trademarks such as KODAK or XEROX. *Id.* at 260. A weak mark is a mark that is a meaningful word in common usage or is merely a suggestive or descriptive trademark, and is entitled to less protection than a strong one that has the merit of unique usage. *Alpha Indus., Inc. v. Alpha Tube & Shapes, Inc.*, 616 F.2d 440, 445-46, 205 USPQ 981 (9th Cir.1980)

A relevant factor in weighing a mark’s strength is evidence of extensive third-party use showing dilution of the senior mark based on the concept that the mark occupies a “crowded field.” *Lexington Management Corp. v. Lexington Capital Partners*, 10 F.Supp.2d 271, 281, 47 USPQ 2d 1558 (S.D.N.Y. 1998). The primary indicator of trademark strength measures logical correlation between name and product; if seller of product or service would naturally use a particular name, it is weakly protected. *In Michael Caruso and Co., Inc. v. Estefan Enterprises*,

Inc., 994 F. Supp. 1454, 1458 (S.D. Fla.1998) (clothing manufacturer's BONGO mark weakened by extensive third party use of the term).

Here the descriptive, non-source-indicating nature of the terms CARS and KIDS used in juxtaposition – obviously descriptive merely upon inspection – can be demonstrated simply by the significant number of active marks and registrations utilizing both or either of these same terms, including within International Class 36. (*See Exhibit A attached hereto.*) Whether an additional feature of the mark is sufficient to prevent a likelihood of confusion in a particular instance depends upon the strength of the dominant feature of the mark and the distinctiveness of the additional feature. *See Bell Laboratories*, 644 F. Supp. at 548. Thus in a situation such as the one here, where the senior trademark is a weak mark, minor alterations – all the more so, major ones such as the lack of the word “sake” and the insertion of the four integers “1-877” into the Applicant's mark – will effectively negate any confusing similarity between two marks. *See Freedom Sav. & Loan Ass'n*, 757 F.2d at 1183. Thus, given the weak nature of the terms CARS and KIDS, the differences between Applicant' mark and the prior registrant's mark are more pronounced in refuting a likelihood of confusion.

Additionally, the Examiner ignores the well-established principal that the first part of a mark is the one that most impacts consumers, such that no likelihood of confusion could result in this case. *See Coca-Cola Co. v. Carlisle Bottling Works*, 43 F.2d 101 (E.D. Ky. 1929), *aff'd*, 43 F.2d 119 (6th Cir. 1930), *cert. denied*, 282 U.S. 882, 75 L. Ed. 778, 51 S. Ct. 86 (1930) (“[T]here is more apt to be infringement where there is similarity, ... in the front part of the trademark. That part comes first, is the most prominent, and it is likely to be dominating.”); *Presto Products, Inc. v. Nice-Pak Products, Inc.*, 9 U.S.P.Q.2d 1895 (T.T.A.B. 1988) (“[I]t is often the first part of a mark which is most likely to be impressed upon the mind of a purchaser and remembered.”

KID-WIPES held confusingly similar to KID STUFF both for baby wipes.); *Veuve Clicquot Ponsardin Maison Fondée En 1772*, 396 F.3d 1369 (In the mark VEUVE CLIQUOT, VEUVE is a "prominent feature" because it is the first word in the mark as well as the first word to appear on the wine label.); *In re Paper Doll Promotions, Inc.*, 84 USPQ2d 1660, 2007 WL 2344667 (T.T.A.B. 2007) (first part of mark is dominant: likelihood of confusion in PAPER DOLL (and design) v. PAPER DOLL PROMOTIONS); *Eveready Battery Company, Inc. v. Green Planet, Inc.*, 91 USPQ2d 1511, 2009 WL 2176668 (T.T.A.B. 2009) (That the word SLICK is first in the accused mark SLICK ULTRA PLUS is evidence that it is the dominant part. A likelihood of confusion with the senior user's SCHICK was found for the same goods.).

Consequently, and considering use of the prior registered mark in its totality pursuant to the Anti-Dissection rule set forth above, consumers are likely be able to differentiate the at-issue mark based not only on its visual and auditory differences with Applicant's mark, but also the differing commercial connotation and impression derived from the prior registered mark given its inherent weakness and use.

b. The Degree of Care Likely to be Exercised by Consumers and Their Sophistication

As set forth in *du Pont*, to the extent that a customer is likely to exercise a high degree of care and/or sophistication when selecting goods or services, the less chance that confusion, mistake, or deception will occur between two or more competing marks. *See also TCPIP Holding Co., Inc. v. Haar Communications, Inc.*, 244 F.3d 88, 102 57 USPQ2d 1969 (2d Cir.2001) ("The more sophisticated the consumers, the less likely they are to be misled by similarity in marks."); *Cadbury Beverages, Inc. v. Cott Corp.*, 73 F.3d 474, 480 37 USPQ 2d 1508 (2d Cir. 1996) ("The sophistication factor recognizes that the likelihood of confusion between the products at issue depends in part on the sophistication of the relevant purchasers.").

Where goods require significant amounts of investment and involvement prior to purchase, consumers are more likely to exercise greater care. *See e.g., Electronic Design & Sales Inc. v. Electronic Data Systems Corp.*, 954 F.2d 713, 21 USPQ2d 1388, 1392 (Fed. Cir. 1992) (“sophistication is important and often dispositive because sophisticated end users may be expected to exercise greater care.”); *Astra Pharm. Prods., Inc. v. Beckman Instruments, Inc.*, 718 F.2d 1201, 1206 220 USPQ 786 (1st Cir. 1983) (held at-issue products as “non-impulse” where product price was between \$35,000 to \$60,000 and where purchase took 3 months to year to consummate).

Given that both the Applicant and the prior registrant offer charitable services which may be eligible for a federal tax deduction as a “gift” within the definition of the U.S. tax code, it can be assumed that relevant consumers must exercise greater levels of care to determine which services will ultimately avail them of a tax credit, if any. (Attached hereto as Exhibit B is the prior registrant’s specimen of use discussing a car donor’s eligibility for a tax deduction. Attached hereto as Exhibit C is a page from Applicant’s website also addressing taxable deductions arising from car donations.) Consequently, consumers who encounter Applicant’s mark and services are likely to understand the mark as identifying a unique source. Even using an unsophisticated general consumer standard, it is unlikely that source confusion will occur. Where Applicant’s services carry no express or implied association with the prior registrant’s marks and contain completely different compositional structures and terms, consumers should easily be able to differentiate Applicant’s mark as a unique source identifier.

c. Dissimilarity of Services/Trade Channels

Examiner also relies on the similarities in the services of the marks as a basis for refusal. Applicant concedes that the services claimed under the marks are “similar in kind and/or closely

related,” but submits that in the overall context of the foregoing arguments, there is sufficient distinction between the two marks to merit Applicant’s registration.

II. ENTITY DESIGNATION

In addition, Examiner responds that Applicant’s entity designation is indefinite. Applicant responds as follows: Applicant is a non-profit corporation, duly organized under the laws of the State of New Jersey. Applicant requests an appropriate amendment to reflect this elucidation of the entity designation.

III. CONCLUSION

In light of the foregoing, Applicant respectfully requests that the Examiner withdraw his refusal to register Applicant’s mark and publish Applicant’s mark on the Principal Register.

Dated: November 27, 2011

Respectfully submitted,

Joy for Our Youth, Inc.



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EXHIBIT A

Int. Cl.: 36

Prior U.S. Cls.: 100, 101 and 102

United States Patent and Trademark Office

Reg. No. 2,171,415

Registered July 7, 1998

**SERVICE MARK
PRINCIPAL REGISTER**

CARS FOR KIDS' SAKE

BIG BROTHERS/BIG SISTERS OF AMERICA
(D.C. CORPORATION)
230 NORTH THIRTEENTH STREET
PHILADELPHIA, PA 19107

FIRST USE 3-0-1996; IN COMMERCE
3-0-1996.

OWNER OF U.S. REG. NO. 1,737,030.

FOR: CHARITABLE FUNDRAISING SERVICES IN THE NATURE OF A CAR DONATION PROGRAM, IN CLASS 36 (U.S. CLS. 100, 101 AND 102).

SER. NO. 75-332,635, FILED 7-29-1997.

DAWN FELDMAN, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

CARS-N-KIDS

Reg. No. 3,712,951 CARS "N" KIDS INC. (MISSOURI CORPORATION)
Registered Nov. 17, 2009 405 MAIN STREET
ST. LOUIS, MO 63026

Int. Cl.: 9 FOR: ELECTRONIC MONITORS FOR DETECTING A CHILD IN A CAR SEAT, IN CLASS 9
(U.S. CLS. 21, 23, 26, 36 AND 38).

TRADEMARK FIRST USE 11-0-2008; IN COMMERCE 11-0-2008.
PRINCIPAL REGISTER

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SN 77-522,308, FILED 7-15-2008.

CORY BOONE, EXAMINING ATTORNEY



David J. Kypos

Director of the United States Patent and Trademark Office



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SUPERCARS SUPER KIDS

Word Mark SUPERCARS SUPER KIDS

Goods and Services IC 035. US 100 101 102. G & S: charitable services, namely, organizing and hosting activities that feature exclusive automobiles to benefit disadvantaged children

IC 036. US 100 101 102. G & S: charitable fundraising services, namely, raising funds for organizations and individuals that enhance the quality of life for disadvantaged children

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85389250

Filing Date August 4, 2011

Current Filing Basis 1B

Original Filing Basis 1B

Owner (APPLICANT) SUPERCARS SUPER KIDS CORPORATION OHIO 9801 Karmar Court New Albany OHIO 43054

Attorney of Record Theodore D. Lienesch

Type of Mark SERVICE MARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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CARS HELPING KIDS

Word Mark	CARS HELPING KIDS
Goods and Services	IC 036. US 100 101 102. G & S: ACCEPTING AND ADMINISTERING MONETARY CHARITABLE CONTRIBUTIONS; CHARITABLE FUND RAISING; CHARITABLE FUND RAISING SERVICES BY MEANS OF COLLECTING AND RESELLING USED AUTOMOBILES
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85367082
Filing Date	July 8, 2011
Current Filing Basis	1B
Original Filing Basis	1B
Owner	(APPLICANT) Youth Head Start CORPORATION CALIFORNIA 16830 Ventura Blvd., Suite 360 Encino CALIFORNIA 91436
Attorney of Record	Alex Patel
Type of Mark	SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

EXHIBIT B

SAMPLE PRESS RELEASE: PRINT



CARS FOR KIDS' SAKE™

Trade It In On A



Whole New Future

FOR IMMEDIATE RELEASE

CONTACT: (Name)
(Phone number)

CARS, TRUCKS, BOATS WANTED

**Donate an unwanted vehicle to Big Brothers Big Sisters Cars for Kids' Sake —
Receive a tax deduction while helping a child in your community.**

CITY, (MONTH xx, 1996) — What do you do with that unwanted car that's been sitting in your driveway? Turn it into funds to help kids in your community. Big Brothers Big Sisters *(insert name of local agency)*'s Cars For Kids' Sake (CFKS) program is an innovative new fund raiser where vehicle owners donate unwanted cars and receive a possible tax deduction in return.

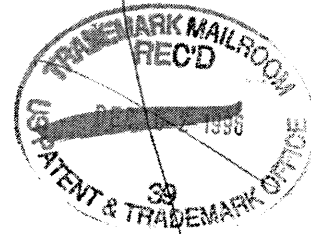
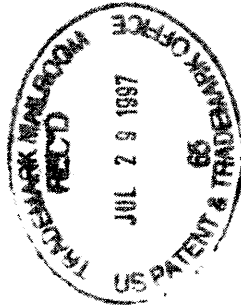
The donation process is simple and hassle free. Dial 1-800-710-9145 and a CFKS representative will arrange to pick-up your vehicle. The donation of cars, trucks, boats and motorcycles qualifies as a charitable gift and the donor may be eligible for a tax deduction.

CFKS is a win-win experience for all parties. In addition to a possible tax deduction, you will be supporting a worthwhile community youth organization. Your contribution will allow BB/BS of *(insert name of agency)* to impact the lives of more at-risk children.

Insert quote by local executive director regarding the value and benefit of CFKS.

CFKS is supported by the national office of Big Brothers Big Sisters of America (BB/BSA). As a national youth service organization promoting positive youth development, BB/BSA has influenced the lives of more than one million children throughout thousands of communities across the United States. Through One-to-One matches, volunteers serving as mentors and role models help these youth increase their self-esteem, reach their highest potential and often, for the first time, see themselves as having happy, successful futures.

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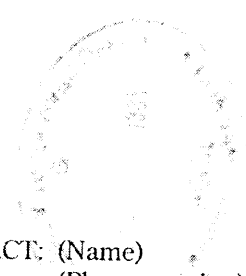
Big Bros./Big
Sisters of Am.
CARS FOR KIDS'
SAKE

SAMPLE PRESS RELEASE: PRINT



CARS FOR KIDS' SAKESM

Trade It In On A Whole New Future



FOR IMMEDIATE RELEASE

CONTACT: (Name)
(Phone number)

CARS, TRUCKS, BOATS WANTED

Donate an unwanted vehicle to Big Brothers Big Sisters Cars for Kids' Sake —
Receive a tax deduction while helping a child in your community.

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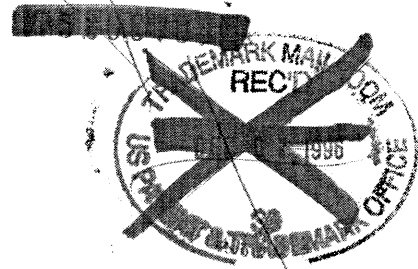
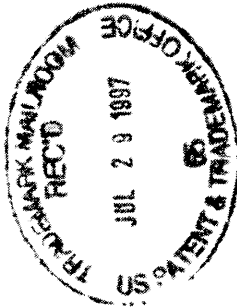
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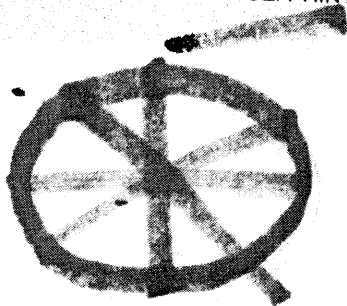
230 North 13th Street, Philadelphia, Pennsylvania, 19107-1538 • 215 567-7000 VOICE 215 557-0394 FAX bbsa@aol.com E-MAIL

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CARS FOR KIDS' SAKESM

Trade It In On A



Whole New Future

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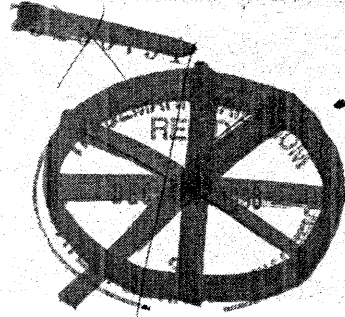
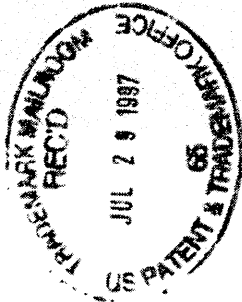
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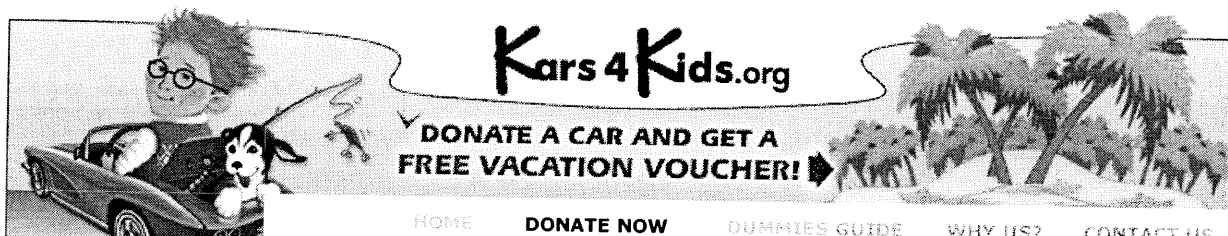
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EXHIBIT C



HOME

DONATE NOW

DUMMIES GUIDE

WHY US?

CONTACT US

1.877.KARS.4.KIDS

Donate your car to kars4kids an IRS recognized 501(c)(3) charity and receive a maximum IRS tax deduction. Join over 100,000 satisfied donors, many taking advantage of the tax saving benefits of a car donation.

Important car donation tax deduction information.

For your car donation, the IRS allows you to claim a tax deduction of:

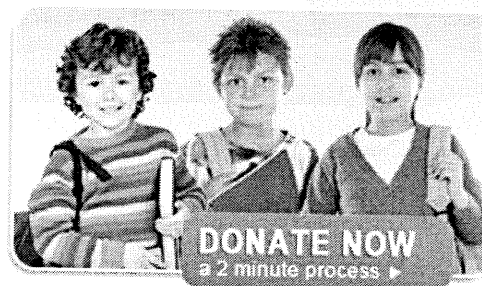
- The value of the car you donated up to \$500. It is up to the donor to determine the fair market value of the car donation.

Or

- The gross proceeds of the sale if the car you donated sells for more than \$500.

Our team of aftermarket specialists using a variety of indicators will assess each vehicle's age, condition, and location to determine the most lucrative option for resale. Thus ensuring greater tax benefit for our donors and maximum value for our charitable work.

At time of pickup a kars4kids representative will give you a temporary receipt to verify that you have donated your car. After your vehicle is sold (usually within 2 weeks) you will receive your official tax deductible receipt.



Frequently asked questions

Do I need to submit a Form 1098-c?

You do not need to fill out a 1098-c form. Simply attach the Kars4kids tax deductible receipt that you received for your car donation to your tax return documents.

My car is not running can I still get a tax deduction?

Yes. Every vehicle has some value and IRS regulations allow the donor to determine the fair market value up to \$500.

What date will be on my receipt?

The date for your tax deductible receipt will be the day you submitted your donation to Kars4Kids.

E-FILE TIPS

Donors who are filing their taxes electronically follow the same guidelines detailed above. After E-FILING you will need to mail out IRS FORM 8453 (download here www.irs.gov/pub/irs-pdf/f8453.pdf) along with your tax deductible car donation receipt to the IRS (this is a substitute for the 1098-c). You do not need to mail in a copy of the tax return that was filed electronically.

Tax preparation software tips (turbo tax etc..)

Follow instructions for entering charitable donations. Enter the Charity name, Charity address and TAX ID number exactly as stated on the tax deductible receipt. The date of donation and gross proceeds from sale are the date and amount listed on your receipt. YOU DO NOT NEED TO FILL OUT FORM 1098-c. the receipt we provided you is a LEGAL SUBSTITUTE for form 1098-c and should be used whenever prompted for information from form 1098-c.

If prompted for additional information regarding sale of vehicle enter as follows:

- ☒ Donor certifies that vehicle was sold in arm's length transaction to unrelated party
- ☐ Donor certifies that vehicle will not be transferred for money, other property, or services before completion of material improvements or significant intervening use
- ☐ Donor certifies that vehicle is to be transferred to a needy individual for significantly below fair market value in furtherance of donor's charitable purpose
- ☐ Donor certifies the following detailed description of material improvements or significant intervening use and duration of use

Remember to only answer yes to the first choice above. Leave all others blank.

Kars4kids does not provide any individual tax advice. Above information was taken from IRS guidelines as noted at irs.gov.

QUICK LINKS



For all tax information: www.irs.gov

Form 8453 : www.irs.gov/pub/irs-pdf/f8453.pdf

Form 1098-c : <http://www.irs.gov/pub/irs-pdf/f1098c.pdf>

IRS guide to car donations : www.irs.gov/pub/irs-pdf/p4303.pdf

Car Donations accepted Nationwide.

Kars 4 Kids can pick up your car from any of the following states:

[Alabama](#), [Arizona](#), [Arkansas](#), [California](#), [Colorado](#), [Connecticut](#), [Delaware](#), [Florida](#), [Georgia](#), [Hawaii](#), [Idaho](#), [Illinois](#), [Indiana](#), [Iowa](#), [Kansas](#), [Kentucky](#), [Louisiana](#), [Maine](#), [Maryland](#), [Massachusetts](#), [Michigan](#), [Minnesota](#), [Mississippi](#), [Missouri](#), [Montana](#), [Nebraska](#), [Nevada](#), [New Hampshire](#), [New Jersey](#), [New Mexico](#), [New York](#), [North Carolina](#), [North Dakota](#), [Ohio](#), [Oklahoma](#), [Oregon](#), [Pennsylvania](#), [Rhode Island](#), [South Carolina](#), [South Dakota](#), [Tennessee](#), [Texas](#), [Utah](#), [Vermont](#), [Virginia](#), [Washington](#), [West Virginia](#), [Wisconsin](#), [Wyoming](#)

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